UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,415	07/27/2001	Thomas Talanis	A34482-PCT-USA (071308.02	8862

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) <u>5 and 10</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4 and 6-9</u> is/are rejected.

7)☒ Claim(s) <u>4</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to

further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend

the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 4 is dependent upon itself as presently written. For purposes of compact prosecution, the

Examiner is treating claim 4 as being dependent upon claim 1.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior

Office action.

3.   Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed

et al. (U.S. Patent No. 6,421,728) in view of Horstmann et al. (Markus Horstmann and Mary Kirtland,

DCOM Architecture, Microsoft Developer's Network Library, July 23, 1997.

http://msdn.microsoft.com/library/en-us/dndcom/html/msdn_dcomarch.asp?frame=true).

4.   In regard to claims 1 and 6, Mohammed discloses *transmitting from a client a first connection*

request for setting up a first transmission channel via an Internet connection to an Internet Server,

transmitting from a client a second connection request for setting up a second transmission channel via

an Internet connection to the Internet Server, wherein the first and second connection requests are

successively transmitted, the first transmission channel and the second transmission channel

bidirectionally transmit and receive, independently of one another in terms of timing, data between the

client and the Internet Server over the Internet, the first transmission channel being used as a back

channel for transmitting user data from the Internet Server to the client, and *the second transmission*

channel being used as a forward channel for transmitting requests from the client to the Internet Server.

Mohammed discloses establishing a downstream connection to an Internet Server and then establishing

an upstream connection from an Internet Server at a later time. The two connections are separate and

asynchronous; they act independently of each other in terms of timing. See Mohammed, column 3, lines

17-38. See Mohammed, column 4, lines 12-24. See Mohammed, column 5, lines 32-44. See Mohammed, Figures 1 and 3. See Mohammed, additional information in the background of the invention in column 1, line 64 – column 2, line 21. Mohammed fails to disclose the use of DCOM technology. However, Horstmann discloses key aspects of the DCOM architecture, including the ability for an object to consist of two interfaces. See Horstmann, pages 5-6. It would be obvious to one of ordinary skill in the networking art to use DCOM with Mohammed for many reasons, including communication with different computers (Horstmann, 1) and creating multiple interfaces with an object (Horstmann, 5-6). Mohammed is analogous art because both Mohammed and Horstmann operate with the Windows NT operating system (Mohammed, column 3, lines 36-38; Horstmann, page 1) and deal with network communications (Mohammed, column 4, lines 12-24; Horstmann, page 1). Mohammed further gives motivation for the combination by being designed for Windows NT (Mohammed, column 3, lines 36-38), and version 4.0 of Microsoft Windows NT (shipping at the time of the application of Mohammed) included DCOM as part of the operating system (Horstmann, page 1).

5.   In regard to claims 2 and 7, Mohammed and Horstmann are applied as in claims 1 and 6. Mohammed further discloses *wherein dummy data are transmitted in the absence of user data in order to maintain the transmission channels.* Mohammed discloses the use of poll packets, which are *dummy data.* See Mohammed, column 10, line 10.

6.   In regard to claims 3 and 8, Mohammed and Horstmann are applied as in claims 1 and 6. Mohammed further discloses *wherein information is transmitted to the Internet Server in order to maintain the transmission channels, said information informing the Internet Server that there is an intention to transmit user data.* Mohammed discloses the use of command packets, which are *information transmitted to the Internet Server in order to maintain the transmission channels, said information informing the Internet Server that there is an intention to transmit user data.* See Mohammed, column 10, line 10.

7.   Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed in view of Horstmann as applied to claims 1 and 6 above, and further in view of Baird et al. (U.S. Patent No. 6,564,128, formerly Rogers et al., U.S. Pub. No. 2002/0143446).

8.   Regarding claims 4 and 8, Mohammed in view of Horstmann is applied as in claims 1 and 6.

Mohammed fails to disclose working with an automation system. However, Baird discloses *wherein data*

for operating and monitoring an automation system is provided over the Internet [see Baird, column 9,

lines 15-42]. It would have been obvious to one of ordinary skill in the networking art at the time the

invention was made to have incorporated Baird's Internet-enabled automation system with the teachings

of Mohammed in view of Horstmann, for the purpose of allowing an automation system to interact in real-

time with a remote computer system [see Baird, column 7, lines 44-55, column 7, lines 11-26].

Mohammed provides motivation to combine by stating the invention can be applied to all networks in

general (see Mohammed, column 3, lines 23-26). Baird also supports the combination further by stating

that it is preferably used with DCOM technologies on a DCOM server (Baird, column 10, lines 20-45),

which is described in depth by Horstmann and shipped with the preferred embodiment for Mohammed.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

        Boyle et al. U.S. Patent No. 6,665,711, which deals with two way internet communications over

multiple channels.

        Levy, Marc. COM Internet Services. Microsoft Developer's Network Library, April 23, 1999.

                http://msdn.microsoft.com/library/en-us/dndcom/html/cis.asp?frame=true

                Information about DCOM technology

        DCOM Technical Overview. Microsoft Corporation. Microsoft Developer's Network Library,

November 1996.

                http://msdn.microsoft.com.library/en-us/dndcom/html/msdn_dcomtec.asp?frame=true

                Information about DCOM Technology

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of

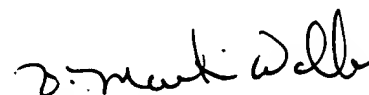the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700